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**Preparatory Commission for the International  
Criminal Court**

**Working Group on Rules of Procedure and Evidence  
related to Part 4 of the Statute**

New York

16-26 February 1999

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29 November-17 December 1999

**Coordinator's discussion paper**

**Part 4. Organization and composition of the Court**

**Rules relating to the organization of the Court**

**B1. Plenary sessions**

**Plenary sessions of the Court**

1. The judges shall meet in plenary session not later than two months after their election. At that first session, after having made their solemn undertaking, in conformity with rule X, the judges shall:<sup>1</sup>

- Elect the President and Vice-Presidents;
- Elect the Registrar;
- Adopt the Regulations;
- Assign judges to divisions.

2. The judges shall meet subsequently in plenary session at least once a year to exercise their functions under the Statute, these Rules and the Regulations of the Court and, if necessary, in special plenary sessions convened by the President on his or her own motion or at the request of one half of the judges.

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<sup>1</sup> If the Rules provide for a disciplinary chamber, the following language would be added: "- Assign judges to the disciplinary chamber."



3. The quorum for each plenary session of the Court shall be two thirds of the judges of the Court.

4. Except where another requirement is specified in the Statute or these Rules, the decisions of the plenary sessions of the Court shall be taken by the majority of the judges present. In the event of an equality of votes, the President or the judge acting in the place of the President shall have a casting vote.

## **B2. Election and qualifications**

### **1. Prosecutor**

#### **Delegation of the Prosecutor's functions**

Except for the inherent powers of the Prosecutor set forth in the Statute, *inter alia*, those described in articles 15 and 53, the Prosecutor or a Deputy Prosecutor may authorize staff members of the Office of the Prosecutor, other than those referred to in article 44 (4), to represent him or her in the exercise of his or her functions.

### **2. Registrar**

#### **Qualification and election of the Registrar and the Deputy Registrar**

1. As soon as it is elected, the Presidency shall establish a list of candidates who satisfy the criteria laid down in article 43 (3) and shall transmit such a list to the Assembly of States Parties with a request for any recommendations.

2. Upon receipt of any recommendations from the Assembly of States Parties, the President shall transmit the list together with the recommendations to the plenary session of the Court.

3. As provided for in article 43 (4), the Court meeting in plenary session shall elect the Registrar by an absolute majority, taking into account any recommendations by the Assembly of States Parties. In the event that no candidate obtains an absolute majority on the first ballot, successive ballots shall be held until one candidate obtains an absolute majority.

4. If the need for a Deputy Registrar arises, the Registrar may make a recommendation to the President of the Court to that effect. The President shall convene a plenary session of the Court to decide on the matter. If the Court meeting in the plenary session decides by an absolute majority that a Deputy Registrar is to be elected, the Registrar shall submit a list of candidates to the Court.

5. The Deputy Registrar shall be elected by the Court meeting in plenary session in the same manner as the Registrar.

## **B6. Organization of the Office of the Prosecutor**

#### **Operation of the Office of the Prosecutor**

1. In discharging his or her responsibility for the management and administration of the Office of the Prosecutor, the Prosecutor shall put in place regulations to govern the operation of the Office.

2. In preparing or amending these regulations, the Prosecutor shall consult with the Registrar on any matters which may affect the operation of the Registry.

**Retention of information and evidence**

The Prosecutor shall be responsible for the retention, storage and security of information and physical evidence obtained in the course of the investigations by his or her Office.

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